

DOCKET NO.: HHD-CV-18-6088970-S : SUPERIOR COURT  
GLORIA FARBER, as Executor of the : J.D. OF HARTFORD  
Estate of HILLIARD FARBER  
V. : AT HARTFORD  
FORE GROUP, INC. and FOTIS DULOS : SEPTEMBER 11, 2019

**SUPPLEMENT TO REPLY TO OBJECTION TO REQUEST FOR  
PRODUCTION RE: FOTIS DULOS' DEPOSITION**

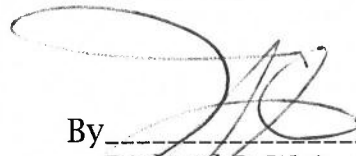
In regard to the objection to the production in Fotis Dulos' deposition of the supporting documents for the reimbursement of expenses, that is effectively covered by the motion for inspection. In regard to the financial statement, which the defendant claimed is sealed as submitted in the Family Court, plaintiff invites the court to review the transcripts<sup>1</sup> before Judge Heller on March 27, 2018 in which there was a hearing apparently unsealed with questioning that commenced on page 32 of the transcript (see also pages 33, 78, 79, 81). In regard to the financial affidavit, again, it was the subject of the April 24, 2018 hearing, again, not sealed. Dulos discussed his financial statements starting at page 20, 22, 23, 25 26, 56, and there are numerous other references to the financial statement, including for example, pages 72, 73, and 75.

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<sup>1</sup> The pages of transcripts referred to are attached hereto.

For all the reasons aforesaid, there is no good reason why same should be deemed sealed and the personal financial statements should be produced.

PLAINTIFF,



By \_\_\_\_\_

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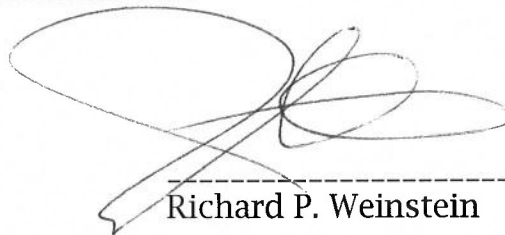
**CERTIFICATION**

This is to certify that on the 11th day of September, 2019, a copy of the foregoing was served upon:

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Richard P. Weinstein

**MARCH 27, 2018 HEARING BEFORE JUDGE HELLER**

NO: FST-FA17-5016797-S : SUPERIOR COURT  
DULOS, JENNIFER : JUDICIAL DISTRICT  
STAMFORD/NORWALK  
v. : AT STAMFORD, CONNECTICUT  
DULOS, FOTIS : MARCH 27, 2018

BEFORE THE HONORABLE DONNA HELLER, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

ATTORNEY REUBEN S. MIDLER  
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Greenwich, Connecticut 06831

Representing the Defendant:

ATTORNEY JACOB PYETRANKER  
Law Offices of Cohen & Pyetranker, P.C.  
1100 Summer Street, 3rd Floor  
Stamford, Connecticut 06905

Representing the Minor Children:

ATTORNEY MICHAEL MEEHAN, GUARDIAN AD LITEM  
MeehanLaw, LLC  
76 Lyon Terrace  
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Representing the Non-Party Witness, Guillaume Vidallet:

ATTORNEY ALEXANDER CUDA  
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Recorded By:  
Dorothy Bardling

Transcribed By:  
Rebecca Schalk  
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1 F O T I S   D U L O S ,

2 called as a witness, after having been duly sworn, was  
3 examined and testified as follows:

4 CROSS EXAMINATION BY ATTORNEY MIDLER

5 Q Mr. Dulos, you filed a financial affidavit dated  
6 February 22, 2018, did you not?

7 A Yes.

8 Q And who prepared that financial affidavit?

9 ATTY. PYETRANKER: Objection.

10 THE COURT: Okay.

11 ATTY. MIDLER: Do you have an objection,  
12 Counsel?

13 THE COURT: All right. The nature of the  
14 objection?

15 ATTY. PYETRANKER: Your Honor, who prepared the  
16 affidavit. This is -- to the extent there is any  
17 input from counsel in assisting --

18 THE COURT: Right.

19 ATTY. PYETRANKER: -- the affiant --

20 ATTY. MIDLER: Excuse me, Your Honor.

21 THE COURT: Okay. Well --

22 ATTY. MIDLER: He misstates the law of  
23 attorney-client privilege. There is no  
24 attorney-client privilege for a document filed in a  
25 court.

26 THE COURT: All right. I think the question of  
27 who prepared it, the document is filed in court.

1 Obviously, counsel is not going to inquire into  
2 privileged communications. But just so there is --  
3 if there any concern -- bless you -- Mr. Dulos, I  
4 just want -- don't want you to unintentionally waive  
5 a privileged communication with counsel -- bless you.

6 So, if you will -- but you can answer Mr.  
7 Midler's question. The objection is overruled.  
8 Thank you.

9 A I prepared a financial affidavit. It was typed by  
10 the office of Attorney Pyetranker.

11 **BY ATTY. MIDLER:**

12 Q Did you prepare the footnotes, sir?

13 A I discussed the flipnotes (as spoken), yes.

14 Q Well --

15 A They were typed by Attorney Pyetranker's office.

16 Q Were you the source of the footnotes?

17 A Yes.

18 ATTY. PYETRANKER: Okay. Your Honor, now --

19 THE COURT: Okay.

20 ATTY. PYETRANKER: -- we're getting into --

21 ATTY. MIDLER: That's not attorney-client --

22 ATTY. PYETRANKER: -- communic --

23 ATTY. MIDLER: Your Honor, this is -- I -- 5-5.

24 THE COURT: All right. The -- he said he  
25 discussed it with counsel. He provided the in -- if  
26 there's other information, he is aware of other  
27 sources, I don't think that would be privileged. So,

1 THE COURT: All right.

2 ATTY. MIDLER: -- it up. They are suspect.

3 THE COURT: Mm-hm.

4 MR. DULOS: No.

5 ATTY. MIDLER: And what hasn't been complied  
6 with and provided is a complete electronic copy of  
7 the QuickBooks. It was asked for back in July of  
8 last year. It still hasn't been provided.

9 THE COURT: All right. Because we're not  
10 arguing discovery right now --

11 ATTY. PYETRANKER: Right.

12 THE COURT: -- we're going to table that. But  
13 that's not -- I'm certainly going to hear from  
14 everybody on those issues.

15 ATTY. PYETRANKER: Okay.

16 THE COURT: Okay. All right.

17 ATTY. MIDLER: Now --

18 THE COURT: So, we can move on from here.

19 ATTY. MIDLER: I am.

20 **BY ATTY. MIDLER:**

21 Q Now, Mr. Dulos, let me take you back again to the  
22 concept of the Fore Group in value. What's the total value  
23 of all property that the Fore Group owns in its own name, as  
24 of February 22, 2018?

25 ATTY. PYETRANKER: Objection: relevance,  
26 foundation. We're not here to value the company.

27 I --



1 THE COURT: But he is the president of the  
2 company, and he should have some idea of what the  
3 assets that the company owns are worth.

4 ATTY. PYETRANKER: I -- may I just --

5 THE COURT: Okay.

6 ATTY. PYETRANKER: I agree completely, if we're  
7 doing a liquidation value. There's different  
8 methodologies, as Your Honor knows, to value.

9 THE COURT: Absolutely.

10 ATTY. PYETRANKER: All right. Well, with that  
11 said, I'll sit down.

12 THE COURT: Okay. But as he sits here today, he  
13 may have a sense of the total value.

14 ATTY. PYETRANKER: Very --

15 THE COURT: So, I will allow the questions,  
16 recognizing that there will be appraisals down road  
17 and further discussion of these issues.

18 A It depends on the -- on the value of the land, which  
19 varies significantly. And we've seen a very downward trend  
20 in Connecticut, and especially in that area.

21 Q Sir -

22 A So, I --

23 Q Please answer the question.

24 A I --

25 ATTY. MIDLER: May --

26 A I don't know.

27 ATTY. MIDLER: -- that be stricken as

1       A    Yes.

2       Q    And they will require complete documentation, would  
3 they not, of all expenses for the project?

4       A    No.

5       Q    They don't?

6       A    No.

7       Q    Okay. Now, you say you don't know the total amount  
8 of the value for the properties. What's the total amount of  
9 liabilities that you have for the properties owned by the  
10 Fore Group itself?

11      A    This, this is one of the mistakes I was referring to.  
12 Actually, that was a communication error on my part.

13      Q    Communication with whom?

14      A    With, with myself when I was transferring things from  
15 handwritten to, to more formalized. So, I took the four  
16 twenty, and because it's fifty percent -- and I put a note  
17 two ten -- and then I divided another time. So at number  
18 ten where it says one oh five it's actually two ten, because  
19 the total amount is four twenty. So, that -- I apologize  
20 for that. I just saw that this morning.

21      Q    Well, let me ask you, though, something --

22      A    So, that's -- that's the main -- you just asked me a  
23 question, so I'm answering it.

24      Q    Mm-hm.

25      A    So, there's a \$420,000 note with Farmington Bank,  
26 which covers three lots. And Jennifer was also a cosigner  
27 on that one; that's why we have it --

1           ATTY. PYETRANKER:  Objection, whose net worth?

2           ATTY. MIDLER:  His net worth.

3           THE COURT:  Okay.

4           ATTY. PYETRANKER:  Okay.

5       A    Yes.

6       Q    Did you do that for each loan to the Farmington Bank?

7           ATTY. PYETRANKER:  I thought we were on question  
8       -- one question.

9           THE COURT:  Okay.  All right.  This will be --

10          ATTY. MIDLER:  I'll allow you to talk to him --

11          THE COURT:  -- the last one.  All right.

12          ATTY. MIDLER:  -- over lunch, Brother Counsel.

13          THE COURT:  Each loan from the Farmington Bank,  
14       did you submit a net worth statement?

15          MR. DULOS:  Yes.

16          THE COURT:  Okay.  We're going to stop here for  
17       lunch.  We'll resume at two.

18          ATTY. MIDLER:  Thank you, Your Honor.

19          THE COURT:  Thank you.

20                (Recess taken)

21       **(TRANSCRIPTION BY R. SCHALK CONCLUDES)**

**APRIL 24, 2018 HEARING BEFORE JUDGE HELLER**



NO: FST-FA-17 5016797 S : SUPERIOR COURT  
JENNIFER DULOS : JUDICIAL DISTRICT OF  
STAMFORD/NORWALK  
V. : AT STAMFORD, CONNECTICUT  
FOTIS DULOS : APRIL 24, 2018

H E A R I N G

BEFORE THE HONORABLE DONNA NELSON HELLER, JUDGE

A P P E A R A N C E S :

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Guardian ad Litem:

ATTORNEY MICHAEL MEEHAN  
Meehan Law, LLC  
76 Lyon Terrace  
Bridgeport, Connecticut 06604

Recorded & Transcribed By:  
Carrie Provenzale  
Court Recording Monitor  
123 Hoyt Street  
Stamford, Connecticut 06905



1 Q What was your answer, sir?

2 A You can replay it.

3 THE COURT: Okay. What was your answer? I am  
4 sorry. I didn't hear you.

5 THE WITNESS: It was yes.

6 THE COURT: Yes. Okay.

7 ATTY. MIDLER: Thank you, Mr. Dulos.

8 THE COURT: Okay. Thank you.

9 BY ATTY. MIDLER:

10 Q Now, Mr. Dulos, am I correct that if we examine page  
11 one of your affidavit of February 22nd, 2018 you indicate  
12 that your total net monthly income is only \$5,226.53,  
13 correct?

14 A For 2018.

15 Q Excuse me. Mr. Dulos, this document is February  
16 22nd, 2018. It is submitted to show your current financial  
17 circumstances. You have sworn, did you not, in this  
18 financial affidavit that you only have \$5,226.53 each month  
19 net income?

20 A There is a --

21 ATTY. PYETRANKER: Objection.

22 A There is a footnote.

23 THE COURT: Okay. Just a moment.

24 ATTY. PYETRANKER: I am sorry, Judge.

25 THE COURT: Thank you.

26 ATTY. PYETRANKER: Counsel's question  
27 mischaracterizes the document which says that this is

1           when we were here on March 22nd.

2           THE COURT: All right.

3           ATTY. MIDLER: Your Honor --

4           THE COURT: Well I have the exhibit out. I have  
5 a bench copy of Mr. Dulos' February 22<sup>nd</sup>, 2018  
6 financial affidavit. It says his total monthly net  
7 income is \$5,226.53.

8           ATTY. MIDLER: That's all I am trying to  
9 establish clearly.

10          THE COURT: All right. So let's proceed.

11          ATTY. MIDLER: That's what it says.

12          THE COURT: Thank you.

13          ATTY. MIDLER: Thank you, Your Honor.

14 BY ATTY. MIDLER:

15          Q And, Mr. Dulos, have you filed an updated financial  
16 affidavit since February 22nd, 2018?

17          A No.

18          Q Okay. Now, Mr. Dulos, if we look at page two of your  
19 financial affidavit of February 22nd of 2018, you show for  
20 example, in Section Roman numeral 2, subsection A, housing,  
21 and item's one and two thereunder, mortgage, interest only,  
22 and real property taxes; do you see that?

23          A Yes.

24          Q Okay. And those sums, Mr. Dulos, amount to \$9,769.30  
25 a month, don't they?

26          A Yes.

27          Q And you only have \$5,226.53 in net income, correct?

1       A    Correct.

2       Q    So you are claiming that you are running at a  
3   deficient just with respect to the mortgage and real  
4   property taxes on 4 Jefferson Crossing, do you not?

5       A    Yes.

6       Q    And you have then, based on your financial affidavit,  
7   no other income, no other money for any other expense,  
8   correct?

9       A    Correct.

10      Q    Is your house in foreclosure, yes or no, sir?  Don't  
11   look to your attorney.

12      A    No.

13                ATTY. PYETRANKER:  Your Honor, if the house were  
14   in foreclosure, it would be shown on the affidavit.

15                ATTY. MIDLER:  Your Honor, that's --

16                THE COURT:  It's all right.

17                ATTY. MIDLER:  -- improper.  It's not even an  
18   objection.

19                THE COURT:  Okay.  I'll allow the question.  
20   It's overruled.  Is it in foreclosure, sir?

21                THE WITNESS:  No.

22                THE COURT:  Thank you.

23   BY ATTY. MIDLER:

24      Q    Are the real estate taxes paid?

25      A    Yes.

26      Q    When were they paid for this year, sums due this  
27   year?

1           anybody --

2           ATTY. PYETRANKER: You know --

3           THE COURT: -- to do anything that interferes  
4           with having this hearing concluded. So I think the  
5           question is about additional income. I'll just ask  
6           you to rephrase it.

7           ATTY. MIDLER: Thank you, Your Honor.

8           THE COURT: Thank you.

9   BY ATTY. MIDLER:

10       Q   Mr. Dulos, your financial affidavit of February 22nd,  
11       2018 discloses absolutely no other source of income,  
12       correct?

13       A   Correct. There is a footnote, sir.

14       Q   Excuse me, sir.

15       A   Well you asked me a question and I am answering it.

16       Q   Just answer my questions and don't make comments,  
17       please.

18       THE COURT: Okay.

19       ATTY. PYETRANKER: Judge --

20       THE COURT: Let's move on, please. Thank you.

21       Q   Now, Mr. Dulos, do you have credit cards?

22       A   I do.

23       Q   Have they been paid?

24       A   Yes.

25       Q   Have any of the credit cards been declined?

26       ATTY. PYETRANKER: A timeframe.

27       THE COURT: Okay.

1 Q In two thousand -- let's say from the period of  
2 December 31, 2017 to the present.

3 A What do you mean declined?

4 Q Well, let's put it this way.

5 A Charges delinked?

6 Q Have any of the credit cards, first of all, been  
7 terminated --

8 A I've --

9 Q -- involuntarily by the company for non-payment?

10 A No.

11 Q Okay. Have any of the credit cards not been paid on  
12 a regular basis according to the terms of the credit  
13 agreement?

14 A No.

15 Q Where is that money coming from, sir, to pay those  
16 credit cards?

17 A It's coming from two sources: one is an increase in  
18 liabilities. I have had a 401(k) loan for \$50,000 from  
19 Fidelity. I have had a loan from the IRS because I didn't  
20 pay them in full for last year.

21 So that is approximately \$25,000. And the -- my --  
22 my checking account, the balance went down from one year to  
23 the next, so that is another source.

24 I have been expensing -- I have been reimbursing  
25 myself on business expenses in advance, so I am trying to  
26 gain some dollars from there.

27 And past February 22nd, I had to do a draw from the



1 Q And you were required to supply this to the bank  
2 contractually under the construction -- or under the loan  
3 documentation, correct?

4 A Yes.

5 Q Now, on your financial affidavit of February 22nd,  
6 2018 you indicate that your total assets are only  
7 \$437,793.24, am I correct?

8 A Yes.

9 Q Do you consider the difference as to your net worth  
10 stated on your September 11th, 2017 financial affidavit and  
11 your total assets stated on your February 22nd, 2018  
12 financial affidavit to show a significant deterioration in  
13 your financial circumstances?

14 ATTY. PYETRANKER: Objection, relevance. It's  
15 his way of doing final argument through this witness.

16 THE COURT: Okay. That's --

17 ATTY. MIDLER: It's not final argument.

18 THE COURT: -- overruled. You can answer.

19 THE WITNESS: Yeah, yeah. You're comparing  
20 apples to oranges because this --

21 Q Sir, that's just a yes or a no.

22 THE WITNESS: -- financial affidavit --

23 ATTY. PYETRANKER: May the witness --

24 THE WITNESS: Your Honor, let me explain.

25 THE COURT: All right. Well the question is do  
26 you consider it -- the difference to show a  
27 significant deterioration and that's a yes or no

1 Q Okay. Well you submit the personal financial  
2 statements to the bank either to obtain a loan or as part of  
3 your ongoing compliance to show continued credit worthiness,  
4 correct?

5 A I submit the personal financial statements to obtain  
6 a loan, yes.

7 Q Or to show your continuing credit worthiness,  
8 correct?

9 A I am not trying to show anything. I am just giving  
10 the facts.

11 Q Excuse me?

12 A I am not trying to show anything. I am giving the  
13 facts. So you are trying to put words in my mouth, which I  
14 do not appreciate.

15 Q Uh-huh. Well, Mr. Dulos, when you submit a financial  
16 affidavit such as you did on February 22nd, 2018, you did  
17 that with the intent that the Court would accept what you  
18 represent that financial affidavit to be as a current  
19 statement of your financial circumstances, correct?

20 A It is, yes.

21 Q Okay. And you did that knowing that in less than six  
22 months before you submitted a personal financial statement  
23 to the Farmington Bank showing over \$4 million net worth,  
24 correct?

25 A Sir --

26 Q That's a yes or no, sir.

27 A This includes Fore Group.

1 Q Sir, yes --

2 A You are confusing --

3 A -- or no.

4 Q -- yourself --

5 THE COURT: Okay.

6 A -- and everybody else.

7 THE COURT: All right.

8 ATTY. MIDLER: No, I am not, sir.

9 THE COURT: If you would --

10 ATTY. MIDLER: This Court is more intelligent  
11 than you think.

12 THE COURT: Okay. If you -- if you would please  
13 answer the question.

14 THE WITNESS: Well we answered that question,  
15 Your Honor, before. He asked if that is your net  
16 worth and I said on that date, that's what we wrote  
17 to the bank, yes.

18 THE COURT: Okay, all right.

19 Q Now, -- thank you.

20 THE COURT: Thank you.

21 Q Now, Mr. Dulos, on your financial affidavit of  
22 February 22, of 2018, when the Fore Group is indicated as an  
23 asset, and I am referring to page 4, Roman numeral 3,  
24 subsection capital E, business interest, you state that the  
25 value of the Fore Group is unknown, correct?

26 A Yes.

27 Q And then you give a self-serving statement that you

1 A I don't remember, sir.

2 Q Sir, this is your financial affidavit that you swore  
3 to under oath.

4 A It's a footnote.

5 ATTY. PYETRANKER: Object.

6 THE WITNESS: It's a footnote.

7 ATTY. PYETRANKER: Asked and --

8 BY ATTY. MIDLER:

9 Q Well are footnotes irrelevant, sir?

10 ATTY. PYETRANKER: Asked -- Judge --

11 THE COURT: All right.

12 ATTY. PYETRANKER: -- I don't know how many  
13 questions in, but the original was --

14 THE COURT: All right. It's a footnote. I have  
15 read it. I think you've made your point, Attorney  
16 Midler. I think we can move on.

17 ATTY. MIDLER: I would just ask for an answer to  
18 this one question and I'll move on.

19 THE COURT: Okay.

20 Q Are footnotes on your financial affidavit irrelevant?

21 A No.

22 THE COURT: Let's move on.

23 Q Now, Mr. Dulos, when you dealt with the Farmington  
24 Bank in order to show value and net worth, you included at  
25 least the value of the real estate, did you not, that the  
26 Fore Group owned?

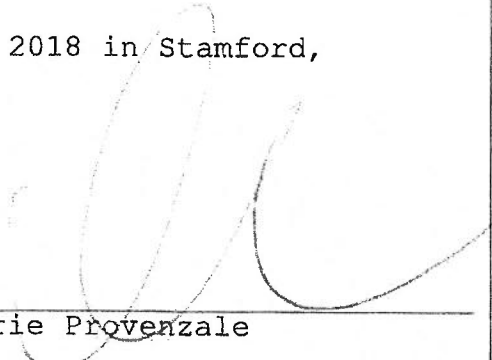
27 A Yes.

NO: FST-FA-17 5016797 S : SUPERIOR COURT  
JENNIFER DULOS : JUDICIAL DISTRICT OF  
STAMFORD/NORWALK  
v. : AT STAMFORD, CONNECTICUT  
FOTIS DULOS : APRIL 24, 2018

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Stamford, Connecticut, before the Honorable Donna Nelson Heller, Judge, on the 24th day of April, 2018.

Dated this 22nd day of May, 2018 in Stamford, Connecticut.



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Carrie Provenzale

Court Recording Monitor